

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 10, 2012

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Don Block, followed by the Pledge of Allegiance led by House page Katherine Hickey.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the eighteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1270 and returns the same with the recommendation that said bill be amended as follows:

1270ba

On page 11, line 15, of the printed bill, delete "two" and insert "one".

On page 11, line 16, delete "hundred fifty" and insert "hundred twenty-five".

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration HB 1152, 1242, and 1244 which were deferred to the 41st Legislative Day.

Respectfully submitted,
Dean Wink, Chair

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1248 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1185 and returns the same with the recommendation that said bill be amended as follows:

1185sa

On page 1, line 7, of the printed bill, delete everything after "."

On page 1, delete lines 8 to 15, inclusive, and insert:

" Section 2. For the purposes of this Act, an elective abortion is an abortion performed for any reason other than a medical emergency as set forth in subdivision 34-23A-1(5).".

Delete pages 2 and 3, inclusive.

1 1185sta

2 On page 1, line 2, of the printed bill, delete "or other health plans offered in the state".

3 On page 1, line 3, delete ", except by optional and separate supplemental coverage".

4 And that as so amended said bill do pass.

5 Also MR. SPEAKER:

6 The Committee on Judiciary respectfully reports that it has had under consideration
7 HB 1219 and returns the same with the recommendation that said bill be amended as follows:

8 1219ra

9 On page 1, line 8, of the printed bill, delete everything after "." .

10 On page 1, delete lines 9 to 11, inclusive.

11 And that as so amended said bill do pass.

12 Respectfully submitted,
13 Roger W. Hunt, Chair

14 Also MR. SPEAKER:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 HB 1166 and HJR 1009 which were tabled.

17 Also MR. SPEAKER:

18 The Committee on State Affairs respectfully reports that it has had under consideration
19 HB 1140, 1141, 1142, and 1155 which were deferred to the 41st Legislative Day.

20 Respectfully submitted,
21 David Lust, Chair

22 Also MR. SPEAKER:

23 The Committee on Appropriations respectfully reports that it has had under consideration
24 HB 1269 and HJR 1006 and returns the same with the recommendation that said bill and
25 resolution do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 HB 1164, which was reconsidered, and returns the same with the recommendation that said bill
4 be amended as follows:

5 1164oa

6 On the printed bill, delete everything after the enacting clause and insert:

7 " Section 1. That section 1 of chapter 30 of the 2011 Session Laws be amended to read
8 as follows:

9 Section 1. The provisions of any law to the contrary, upon the request of the Governor, the
10 Commissioner of School and Public Lands shall sell all or any portion of the following real
11 estate located in Yankton County and any related personal property and improvements located
12 on the property:

13 (a) Certain property under the control of the Department of Human Services described
14 generally as Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section
15 21, Township 94 North, Range 55, West of the 5th P.M., also described as Lot 13,
16 consisting of 10.1 acres, more or less, and that portion of Lot 14 ~~as~~ described in
17 Warranty Deed, F.V. Willhite, Grantor to Yankton State Hospital (administered by
18 the South Dakota Department of Human Services) Grantee; as recorded August 26th
19 1918 in Book 120 on page 388 in the County of Yankton to wit: Commencing on the
20 West or right bank of the James or Dakota River at a point where the east and west
21 section line between sections 21 and 28 of Township 94 North, of Range 55 West of
22 the 5th P.M. intersects said bank of said river; thence west along said section line
23 4.51 chains; thence north to the right bank of said river, thence down said stream
24 along the right bank of said river to the place of beginning north to the right bank of
25 said river, and accreted land; all of Section 21, Township 94 North, range 55, West
26 of the 5th P.M., consisting of 15 acres, more or less; and

27 (b) Certain property under the control of the Department of Human Services described
28 generally as the East 1900 feet of the South 1300 feet of Lot A being a Subdivision
29 of the SE1/4 of Section 36 Township 94 North Range 56 West of the 5th P.M.,
30 consisting of 56.70 acres, more or less."

31 1164ota

32 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise
33 certain provisions regarding the sale of certain surplus property in Yankton County."

34 On page 1, delete lines 2 and 3.

35 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration
3 HB 1199 and returns the same with the recommendation that said bill be amended as follows:

4 1199ba

5 On page 1, line 10, of the printed bill, overstrike "one hundred twenty-three thousand
6 seven".

7 On page 1, line 11, overstrike "hundred fifty dollars" and insert "one hundred ten thousand
8 dollars".

9 And that as so amended said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on Appropriations respectfully reports that it has had under consideration
12 HB 1228 and returns the same with the recommendation that said bill be amended as follows:

13 1228fa

14 On the printed bill, delete everything after the enacting clause and insert:

15 " Section 1. The sunset of the tax refunds for new or expanded agricultural facilities and
16 new or expanded business facilities shall be repealed."

17 And that as so amended said bill do pass.

18 Also MR. SPEAKER:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 HB 1030 and 1239 which were deferred to the 41st Legislative Day.

21 Respectfully submitted,
22 Dean Wink, Chair

23 Also MR. SPEAKER:

24 The Committee on Education respectfully reports that it has had under consideration
25 HB 1189 and returns the same with the recommendation that said bill be amended as follows:

1 1189ca

2 On page 2, line 6, of the printed bill, after "." insert "However, the deadlines for transfer
3 established in this section do not apply to any student seeking to attend an alternative school that
4 is operated by a school district or with which a school district contracts.".

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on Education respectfully reports that it has had under consideration
8 HB 1144 which was tabled.

9 Also MR. SPEAKER:

10 The Committee on Education respectfully reports that it has had under consideration
11 HB 1145 and 1151 which were deferred to the 41st Legislative Day.

12 Respectfully submitted,
13 Thomas J. Brunner, Chair

14 Also MR. SPEAKER:

15 The Committee on Commerce and Energy respectfully reports that it has had under
16 consideration SB 32, 33, 34, and 51 and returns the same with the recommendation that said
17 bills do pass and be placed on the consent calendar.

18 Also MR. SPEAKER:

19 The Committee on Commerce and Energy respectfully reports that it has had under
20 consideration HB 1201 which was tabled.

21 Respectfully submitted,
22 Roger D. Solum, Chair

23 **MESSAGES FROM THE SENATE**

24 MR. SPEAKER:

25 I have the honor to return herewith HB 1001 and 1076 which have passed the Senate
26 without change.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HCR 1006 in which the Senate has concurred.

3 Also MR. SPEAKER:

4 I have the honor to transmit herewith SB 81, 113, 154, 157, 176, and 177 which have
5 passed the Senate and your favorable consideration is respectfully requested.

6 Also MR. SPEAKER:

7 I have the honor to transmit herewith SCR 4 which has been adopted by the Senate and
8 your concurrence is respectfully requested.

9 Respectfully,
10 Fee Jacobsen, Secretary

11 **MOTIONS AND RESOLUTIONS**

12 Rep. Wick moved that the House do concur in Senate amendments to HB 1154.

13 The question being on Rep. Wick's motion that the House do concur in Senate amendments
14 to HB 1154.

15 And the roll being called:

16 Yeas 67, Nays 1, Excused 2, Absent 0

17 Yeas:

18 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
19 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
20 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
21 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;
22 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer;
23 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van
24 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

25 Nays:

26 Russell

27 Excused:

28 Killer; Stricherz

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion carried and the amendments were concurred in.

3 SCR 3: A CONCURRENT RESOLUTION, Designating the month of November as COPD
4 Awareness Month in the State of South Dakota.

5 Rep. Boomgarden moved that SCR 3 as found on pages 296 and 297 of the Senate Journal
6 be concurred in.

7 The question being on Rep. Boomgarden's motion that SCR 3 be concurred in.

8 And the roll being called:

9 Yeas 69, Nays 0, Excused 1, Absent 0

10 Yeas:

11 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
12 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
13 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
14 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
15 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
16 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson;
17 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
18 Speaker Rausch

19 Excused:

20 Stricherz

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the motion carried and SCR 3 was concurred in.

23 HCR 1008 Introduced by: Representatives Perry, Abdallah, Blake, Bolin, Boomgarden,
24 Brunner, Carson, Conzet, Cronin, Deelstra, Dennert, Dryden, Elliott, Fargen, Feickert, Feinstein,
25 Gibson, Gosch, Greenfield, Haggar, Hansen (Jon), Hawley, Hickey, Hoffman, Hubbel, Hunhoff
26 (Bernie), Hunt, Iron Cloud III, Jensen, Jones, Killer, Kirkeby, Kirschman, Kloucek, Kopp, Liss,
27 Lucas, Lust, Magstadt, Miller, Moser, Munsterman, Nelson (Stace), Novstrup (David), Olson
28 (Betty), Rausch, Romkema, Rozum, Russell, Schaefer, Schrempp, Scott, Sigdestad, Sly, Solum,
29 Steele, Street, Stricherz, Tornow, Tulson, Turbiville, Van Gerpen, Vanneman, Venner, Verchio,
30 White, Wick, Willadsen, Wink, and Wismer and Senators Krebs, Adelstein, Begalka, Bradford,
31 Brown, Buhl, Cutler, Frerichs, Fryslie, Gray, Hansen (Tom), Haverly, Heineman, Holien,
32 Hundstad, Hunhoff (Jean), Johnston, Juhnke, Kraus, Lederman, Maher, Nelson (Tom),
33 Novstrup (Al), Nygaard, Olson (Russell), Peters, Putnam, Rampelberg, Rave, Rhoden,
34 Schlekeway, Sutton, Tidemann, Tieszen, and Vehle

35 A CONCURRENT RESOLUTION, Recognizing the week of June 25 through June 29, 2012,
36 as Ag Week in South Dakota.

1 WHEREAS, each year, one South Dakota producer raises enough food to feed 155 people
2 in the United States and abroad; and

3 WHEREAS, South Dakota consistently ranks in the top ten for production of alfalfa,
4 sunflowers, oats, flaxseed, hay, ethanol, wheat, corn, and soybeans; and

5 WHEREAS, South Dakota's agriculture industry has a twenty billion dollar economic
6 impact each year. With more than 19 million acres of cropland and 23 million acres of
7 pastureland, our farmers and ranchers are key drivers of our economy; and

8 WHEREAS, agriculture generates twenty percent of our state's economic activity, and
9 production agriculture and its value-added industries employ over 80,000 South Dakotans; and

10 WHEREAS, South Dakota has more than 92,000 dairy cows, producing over 1.8 billion
11 pounds of milk per year; and

12 WHEREAS, there are fifteen ethanol plants operating in the state, and they produce more
13 than one billion gallons per year, which is ten percent of the nation's ethanol supply; and

14 WHEREAS, as a leading livestock state, South Dakota ranks near the top in several
15 production areas including bison, pheasants, honey, sheep and lambs, cattle and calves, hogs and
16 pigs; and

17 WHEREAS, there are 46,000 producers in South Dakota on 31,800 farms; and

18 WHEREAS, pheasant hunters spent \$231 million in 2010 and harvested 1.8 million birds;
19 and

20 WHEREAS, South Dakota's forest industry included 511 million trees in forestland and
21 eighteen wood or paper manufacturing facilities. Forestry in South Dakota employs over 3,500
22 people; and

23 WHEREAS, South Dakota wineries have produced over 2.3 million bottles of wine
24 since 1997; and

25 WHEREAS, agriculture is the life-blood of South Dakota. It is our number one industry and
26 remains the common thread linking the citizens, businesses, and communities of our state:

27 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
28 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the week
29 of June 25 through June 29, 2012, be recognized as Ag Week in South Dakota to encourage
30 public awareness, appreciation, and support for those involved in the agriculture industry, and
31 to recognize the economic, social, and recreational importance of agriculture to the entire state.

32 Was read the first time and the Speaker waived the committee referral.

1 SCR 4: A CONCURRENT RESOLUTION, Supporting the concept and further
2 development of South Dakota First, an initiative for success and development.

3 Was read the first time and the Speaker waived the committee referral.

4 Rep. Blake moved that the Committee on Appropriations be instructed to deliver HB 1206
5 to the floor of the House, pursuant to Joint Rule 7-7.

6 Which motion was supported and the committee was so instructed.

7 Rep. Venner moved that the Committee on Health and Human Services be instructed to
8 deliver HB 1174 to the floor of the House, pursuant to Joint Rule 7-7.

9 Which motion lost.

10 CONSIDERATION OF REPORTS OF COMMITTEES

11 Rep. Lust moved that the reports of the Standing Committees on

12 Education on HB 1234 as found on pages 370 to 384 of the House Journal; also

13 Agriculture and Natural Resources on HB 1080 as found on page 385 of the House Journal;
14 also

15 Health and Human Services on HB 1246 as found on pages 385 and 386 of the House
16 Journal; also

17 Taxation on HB 1209 as found on page 386 of the House Journal; also

18 Transportation on HB 1111 as found on page 387 of the House Journal; also

19 Local Government on HB 1179 as found on pages 396 and 397 of the House Journal be
20 adopted.

21 Which motion prevailed.

22 Rep. Hawley moved that the word NOT be stricken from the report of the Committee on
23 Appropriations on HB 1106 as found on page 387 of the House Journal and that the bill be
24 placed on the calendar of Monday, February 13, the 20th legislative day.

25 The question being on Rep. Hawley's motion that the word NOT be stricken from the
26 report of the Committee on Appropriations on HB 1106 and that the bill be placed on the
27 calendar of Monday, February 13, the 20th legislative day.

1 And the roll being called:

2 Yeas 28, Nays 41, Excused 1, Absent 0

3 Yeas:

4 Blake; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hubbel; Hunhoff (Bernie);
5 Iron Cloud III; Jones; Killer; Kirschman; Kloucek; Liss; Lucas; Miller; Nelson (Stace); Russell;
6 Schrempp; Sigdestad; Steele; Street; Stricherz; Tornow; Van Gerpen; Wismer

7 Nays:

8 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
9 Haggard; Hansen (Jon); Hickey; Hoffman; Hunt; Jensen; Kirkeby; Kopp; Lust; Magstadt; Moser;
10 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Scott; Sly;
11 Solum; Tulson; Turbiville; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
12 Speaker Rausch

13 Excused:

14 Greenfield

15 So the motion not having received an affirmative vote of a majority of the members-elect,
16 the Speaker declared the motion lost.

17 Rep. Feickert moved that the word NOT be stricken from the report of the Committee on
18 Local Government on HB 1250 as found on page 397 of the House Journal and that the bill be
19 placed on the calendar of Monday, February 13, the 20th legislative day.

20 The question being on Rep. Feickert's motion that the word NOT be stricken from the
21 report of the Committee on Local Government on HB 1250 and that the bill be placed on the
22 calendar of Monday, February 13, the 20th legislative day.

23 And the roll being called:

24 Yeas 27, Nays 43, Excused 0, Absent 0

25 Yeas:

26 Blake; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron
27 Cloud III; Jones; Killer; Kirkeby; Kirschman; Lucas; Magstadt; Miller; Olson (Betty);
28 Romkema; Schrempp; Sigdestad; Steele; Street; Stricherz; Tulson; Van Gerpen; Wismer

29 Nays:

30 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
31 Greenfield; Haggard; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kloucek; Kopp;
32 Liss; Lust; Moser; Munsterman; Nelson (Stace); Novstrup (David); Perry; Rozum; Russell;
33 Schaefer; Scott; Sly; Solum; Tornow; Turbiville; Vanneman; Venner; Verchio; White; Wick;
34 Willadsen; Wink; Speaker Rausch

1 So the motion not having received an affirmative vote of a majority of the members-elect,
2 the Speaker declared the motion lost.

3 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 81: FOR AN ACT ENTITLED, An Act to provide for a special license plate for certain
5 persons on active duty in the military.

6 Was read the first time and referred to the Committee on Transportation.

7 SB 113: FOR AN ACT ENTITLED, An Act to provide for special motor vehicle license
8 plates for recipients of the silver star medal, distinguished service cross, navy cross, air force
9 cross, distinguished flying cross, bronze star medal with valor device, or the bronze star medal.

10 Was read the first time and referred to the Committee on Transportation.

11 SB 154: FOR AN ACT ENTITLED, An Act to revise certain statutes pertaining to persons
12 required to report child abuse and neglect.

13 Was read the first time and referred to the Committee on Health and Human Services.

14 SB 157: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to outdoor
15 advertising signs.

16 Was read the first time and referred to the Committee on Transportation.

17 SB 176: FOR AN ACT ENTITLED, An Act to establish a program to assist rural health
18 care facilities in recruiting certain health care professionals and to repeal certain provisions
19 regarding recruitment incentive payments for health care professionals.

20 Was read the first time and referred to the Committee on Health and Human Services.

21 SB 177: FOR AN ACT ENTITLED, An Act to establish a program to assist rural
22 communities to recruit certain health care professionals and to repeal certain provisions
23 regarding the physician, the midlevel, and the dentist tuition reimbursement programs.

24 Was read the first time and referred to the Committee on Health and Human Services.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 102: FOR AN ACT ENTITLED, An Act to clarify the procedures for the
3 apportionment of funds among townships.

4 Was read the second time.

5 The question being "Shall SB 102 pass as amended?"

6 And the roll being called:

7 Yeas 69, Nays 1, Excused 0, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
10 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
11 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
12 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Munsterman;
13 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
14 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
15 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
16 Rausch

17 Nays:

18 Moser

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

22 Rep. Hunt moved that HB 1254 be placed to follow HB 1247 on today's calendar.

23 Which motion prevailed.

24 HB 1138: FOR AN ACT ENTITLED, An Act to declare that any person who maintains
25 or provides roll-your-own cigarette machines at retail establishments are cigarette
26 manufacturers.

27 Was read the second time.

28 The question being "Shall HB 1138 pass as amended?"

29 And the roll being called:

1 Yeas 47, Nays 20, Excused 3, Absent 0

2 Yeas:

3 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
4 Elliott; Fargen; Feickert; Feinstein; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
5 Hoffman; Hunhoff (Bernie); Hunt; Jones; Kirkeby; Kirschman; Kloucek; Lucas; Lust; Magstadt;
6 Munsterman; Novstrup (David); Perry; Schaefer; Scott; Sigdestad; Sly; Solum; Steele; Street;
7 Tulson; Van Gerpen; Vanneman; Wick; Willadsen; Wink; Wismer; Speaker Rausch

8 Nays:

9 Carson; Gibson; Hickey; Hubbel; Jensen; Killer; Kopp; Liss; Miller; Moser; Nelson (Stace);
10 Romkema; Rozum; Russell; Stricherz; Tornow; Turbiville; Venner; Verchio; White

11 Excused:

12 Iron Cloud III; Olson (Betty); Schrempp

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1213: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
16 liability for torts and product identification requirements.

17 Was read the second time.

18 The question being "Shall HB 1213 pass as amended?"

19 And the roll being called:

20 Yeas 54, Nays 14, Excused 2, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;
23 Fargen; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hoffman; Hubbel; Hunhoff
24 (Bernie); Hunt; Jensen; Killer; Kirkeby; Kirschman; Kopp; Liss; Magstadt; Miller; Moser;
25 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
26 Russell; Schaefer; Scott; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;
27 Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

28 Nays:

29 Dennert; Feickert; Feinstein; Gibson; Hickey; Iron Cloud III; Jones; Kloucek; Lucas; Lust;
30 Sigdestad; Tornow; Vanneman; Wismer

31 Excused:

32 Elliott; Schrempp

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

1 HB 1227: FOR AN ACT ENTITLED, An Act to revise certain provisions with regard to
2 the rights of industrial and construction equipment dealers.

3 Was read the second time.

4 The question being "Shall HB 1227 pass as amended?"

5 And the roll being called:

6 Yeas 66, Nays 1, Excused 3, Absent 0

7 Yeas:

8 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
9 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar; Hansen (Jon);
10 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
11 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Lucas; Lust; Magstadt; Miller; Moser;
12 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
13 Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville;
14 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
15 Rausch

16 Nays:

17 Liss

18 Excused:

19 Elliott; Schrempp; Tornow

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 HB 1107: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
23 bonding authority of the South Dakota Conservancy District.

24 Was read the second time.

25 The question being "Shall HB 1107 pass?"

26 And the roll being called:

27 Yeas 67, Nays 1, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Lucas; Lust; Magstadt; Miller; Moser;
6 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
7 Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson;
8 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
9 Speaker Rausch

10 Nays:

11 Liss

12 Excused:

13 Elliott; Schrempp

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1188: FOR AN ACT ENTITLED, An Act to provide widows and widowers of certain
17 veterans free or reduced fees for certain hunting and fishing licenses and admission to state
18 parks and other facilities.

19 Was read the second time.

20 The question being "Shall HB 1188 pass?"

21 And the roll being called:

22 Yeas 38, Nays 29, Excused 3, Absent 0

23 Yeas:

24 Blake; Bolin; Brunner; Conzet; Feinstein; Gibson; Greenfield; Hickey; Hoffman; Hubbel;
25 Hunhoff (Bernie); Iron Cloud III; Jensen; Killer; Kirkeby; Kloucek; Kopp; Liss; Lust; Miller;
26 Moser; Munsterman; Nelson (Stace); Olson (Betty); Russell; Schaefer; Sly; Solum; Steele;
27 Stricherz; Tornow; Tulson; Van Gerpen; Venner; Verchio; White; Wick; Willadsen

28 Nays:

29 Boomgarden; Carson; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert; Gosch; Haggard;
30 Hansen (Jon); Hawley; Hunt; Jones; Kirschman; Lucas; Magstadt; Novstrup (David); Perry;
31 Romkema; Rozum; Scott; Sigdestad; Street; Turbiville; Vanneman; Wink; Wismer; Speaker
32 Rausch

33 Excused:

34 Abdallah; Elliott; Schrempp

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1198: FOR AN ACT ENTITLED, An Act to revise the definition of firearm to include
4 certain muzzle-loading and black powder weapons.

5 Was read the second time.

6 1198ta

7 Rep. Rozum moved that HB 1198 be amended as follows:

8 On page 1 of the printed bill, delete lines 4 to 9, inclusive, and insert:

9 " Section 1. That chapter 22-14 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 For purposes of §§ 22-14-15 and 22-14-15.1, the term, firearm, includes any antique firearm
12 as defined in subdivision 22-1-2(4) and any muzzle loading rifle, muzzle loading shotgun, or
13 muzzle loading pistol, including muzzle loading weapons that are designed to use black powder
14 or a black powder substitute and cannot use fixed ammunition."

15 Which motion prevailed.

16 The question being "Shall HB 1198 pass as amended?"

17 And the roll being called:

18 Yeas 67, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
21 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
22 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen; Jones; Killer;
23 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;
24 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
25 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
26 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

27 Excused:

28 Elliott; Hunt; Schrempp

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the bill passed.

1 The question being on the title.

2 1198tta

3 Rep. Rozum moved that the title to HB 1198 be amended as follows:

4 On page 1, line 1, of the printed bill, after "certain" insert "antique,".

5 On page 1, line 2, after "loading" insert ",,".

6 On page 1, line 2, after "weapons" insert "in certain circumstances".

7 Which motion prevailed and the title was so amended.

8 HB 1156: FOR AN ACT ENTITLED, An Act to revise procedures and requirements
9 relating to special assessments and the financing of local improvements.

10 Was read the second time.

11 The question being "Shall HB 1156 pass?"

12 And the roll being called:

13 Yeas 67, Nays 0, Excused 3, Absent 0

14 Yeas:

15 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
16 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
17 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
18 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
19 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
20 Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville;
21 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
22 Rausch

23 Excused:

24 Elliott; Schrempp; Steele

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the bill passed and the title was agreed to.

27 HB 1211: FOR AN ACT ENTITLED, An Act to revise budget transfer authority for certain
28 state institutions.

29 Was read the second time.

1 The question being "Shall HB 1211 pass?"

2 And the roll being called:

3 Yeas 28, Nays 40, Excused 2, Absent 0

4 Yeas:

5 Blake; Dennert; Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Hawley; Hickey; Hunhoff
6 (Bernie); Hunt; Iron Cloud III; Killer; Munsterman; Perry; Romkema; Sigdestad; Sly; Street;
7 Stricherz; Tulson; Turbiville; Venner; White; Willadsen; Wismer; Speaker Rausch

8 Nays:

9 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Greenfield; Haggar;
10 Hansen (Jon); Hoffman; Hubbel; Jensen; Jones; Kirkeby; Kirschman; Kloucek; Kopp; Liss;
11 Lucas; Lust; Magstadt; Miller; Moser; Nelson (Stace); Novstrup (David); Olson (Betty);
12 Rozum; Russell; Schaefer; Scott; Solum; Steele; Tornow; Van Gerpen; Vanneman; Verchio;
13 Wick; Wink

14 Excused:

15 Elliott; Schrempp

16 So the bill not having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill lost.

18 Rep. Cronin moved that HB 1122, 1230, 1247, and 1254 be deferred to Monday,
19 February 13, the 20th legislative day.

20 Which motion prevailed.

21 There being no objection, the House reverted to Order of Business No. 5.

22 **REPORTS OF STANDING COMMITTEES**

23 MR. SPEAKER:

24 The Committee on Judiciary respectfully reports that it has had under consideration
25 HB 1160 and returns the same with the recommendation that said bill do pass.

26 Also MR. SPEAKER:

27 The Committee on Judiciary respectfully reports that it has had under consideration
28 HB 1193 and returns the same with the recommendation that said bill be amended as follows:

1 1193ra

2 On page 1, line 13, of the printed bill, before "fine" insert "civil".

3 On page 1, line 14, before "." insert "to be deposited in the state general fund".

4 On page 2, line 6, delete "criminal" and insert "civil".

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on Judiciary respectfully reports that it has had under consideration
8 HB 1253 and returns the same with the recommendation that said bill be amended as follows:

9 1253rb

10 On page 1 of the printed bill, delete lines 5 to 7, inclusive, and insert:

11 " No court, administrative agency, or other governmental agency may enforce any provisions
12 of any religious code.".

13 And that as so amended said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Judiciary respectfully reports that it has had under consideration
16 HB 1251 which was tabled.

17 Also MR. SPEAKER:

18 The Committee on Judiciary respectfully reports that it has had under consideration
19 HB 1217, 1249, and 1264 which were deferred to the 41st Legislative Day.

20 Respectfully submitted,
21 Roger W. Hunt, Chair

22 Also MR. SPEAKER:

23 The Committee on Legislative Procedure respectfully reports that HB 1077 and 1094 were
24 delivered to his Excellency, the Governor, for his approval at 9:05 a.m., February 10, 2012.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1001 and 1076 and finds the same correctly enrolled.

4 Respectfully submitted,
5 Val Rausch, Chair

6 **SIGNING OF BILLS**

7 The Speaker publicly read the title to

8 HB 1001: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
9 sales and use tax.

10 HB 1076: FOR AN ACT ENTITLED, An Act to retain certain members of municipal
11 governing bodies in office following the redistricting of municipal wards.

12 SB 140: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding glazing
13 material on motorcycle windshields and wind deflectors.

14 And signed the same in the presence of the House.

15 **COMMEMORATIONS**

16 HC 1018 Introduced by: Representatives Elliott, Blake, Gibson, Kloucek, Rozum,
17 Schaefer, Sigdestad, and Street and Senators Buhl, Rave, and Tieszen

18 A LEGISLATIVE COMMEMORATION, Honoring best-selling author, J.A. Jance.

19 WHEREAS, J.A. Jance was born in Watertown, South Dakota, and lived for a short time
20 on a farm near Marvin, South Dakota. She moved to Arizona with her parents because her father
21 needed to be in a hot, dry climate for health reasons; and

22 WHEREAS, J.A. Jance fondly remembers summers in South Dakota visiting Mount
23 Rushmore, petting the burros, fishing on Big Stone Lake with her maternal grandfather, Fourth
24 of July celebrations in Milbank, climbing in the haymow on her aunt and uncle's farm at the age
25 of four, and accidentally wrecking her cousin's cowboy chaps; and

26 WHEREAS, J.A. Jance has never forgotten her roots and mentions in her short biographical
27 sketch in the back of her books that she was born in South Dakota. She relishes the fact that she
28 grew up with South Dakota values, such as hard work, honoring one's parents, being a good
29 friend, and never giving up. She still loves life, but lutefisk — not so much; and

1 WHEREAS, J.A. Jance triumphed over adversity to become a writer. She has been a *New*
2 *York Times* best-selling author for years with her characters J.P. Beaumont, Ali Reynolds, and
3 Joanna Brady:

4 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
5 the State of South Dakota, that J.A. Jance is recognized as a daughter of South Dakota and
6 congratulated for her many achievements over her lifetime.

7 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
8 3:23 p.m. the House adjourned.

9 Karen Gerdes, Chief Clerk